

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

HAROLD GENE BAILEY,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-07044

NANCY A. BERRYHILL,

Commissioner of Social Security,

Defendant.

ORDER

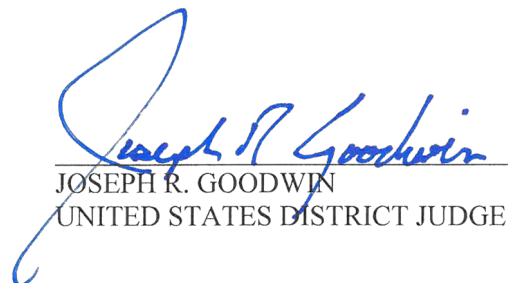
This action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On July 6, 2017, Judge Eifert submitted her Proposed Findings & Recommendations [ECF No. 17] (“PF&R”) and recommended that the court **GRANT** Plaintiff’s motion for judgment on the pleadings [ECF No. 11] to the extent that it requests remand of the Commissioner’s decision; **DENY** Defendant’s request to affirm the decision of the Commissioner [ECF No. 14]; **REVERSE** the final decision of the Commissioner; **REMAND** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with this PF&R; and **DISMISS** this action from the docket of the Court. Neither party timely filed objections to the PF&R nor sought an extension of time.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court **ORDERS** that the Plaintiff’s motion for judgment on the pleadings [ECF No. 11] is **GRANTED** to the extent that it requests remand of the Commissioner’s decision; the Defendant’s request to affirm the decision of the Commissioner [ECF No. 14] is **DENIED**; the final decision of the Commissioner is **REVERSED**; this matter is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with this PF&R; and this action is **DISMISSED** from the docket of the Court

The court further **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 29, 2017


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE